

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 14 - 19 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 14, 15, and 19 have been amended.

In the office action mailed December 20, 2010, claims 14 - 19 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. This rejection is now moot in view of the amendments to claims 14, 15, and 19.

Further in said office action, claims 14, 15, and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,131,401 to Ueno et al. and U.S. Patent No. 4,285,210 to McCarty and U.S. Patent Publication No. 2003/0043542 to Monfarad; claims 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno, McCarty and Monfarad and further in view of U.S. Patent No. 5,752,726 to Fixemer; and claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno, McCarty, and Monfarad and further in view of JP Publication No. 2003-065616 to Sakamoto et al.

The foregoing rejections are traversed by the instant response.

Independent claim 14, as amended herein, is directed to a refrigeration installation having at least one refrigeration

consumer, which includes at least one evaporator, having at least one feed line and at least one discharge line, via which a refrigerant or a refrigerant mixture is fed to the at least one refrigeration consumer and discharged from the at least one refrigeration consumer, the at least one refrigeration consumer having expansion members, wherein the expansion members being designed as switchable expansion valves and/or as switchable linear expansion machines which are switchable between a first working position, in which the refrigerant flowing through the expansion member is expanded and a second working position in which the pressure drop of the refrigerant flow passing through the expansion member is less than in the first working position, and each said refrigeration consumer being assigned a linear compressor

A review of the primary reference to Ueno shows that it has several deficiencies. First, while Ueno discloses an expansion valve (15), there is no disclosure of the expansion valve being a switchable expansion valve which is switchable between a first working position in which the refrigerant flowing through the expansion member is expanded and a second working position in which the pressure drop of the refrigerant flow passing through the expansion member is less than in the first working position.

With respect to the McCarty patent, it is submitted that the Examiner misapprehends this reference. This is evidenced by the fact that according to McCarty, there is no "significant pressure drop" between the inlet and the outlet of the expansion valve only after the compressor has been switched off and the pressure differential within the system has bled down. McCarty

in Fig. 3 discloses a defrosting circuit for an evaporator. The defrosting circuit includes a bypass 29 which is arranged in parallel to the system expansion device 27. A second by-pass line 31 is provided. Valves 37 and 39 are provided to prevent refrigerant flow through either line 29 or line 31 during normal operation. There is no disclosure in McCarty that the expansion member 27 is a switchable expansion valve which moves between a first working position, in which the refrigerant flowing through the expansion member is expanded and a second working position in which the pressure drop of the refrigerant flowing through the expansion member is less than in the first working position. Thus, McCarty does not cure the deficiencies of Ueno.

Monfarad is cited as showing a compressor which is operated without oil. This subject matter is no longer included in claim 14. Monfarad does not cure the aforenoted deficiencies of Ueno and McCarty.

Thus, even if the references were combined, they would not teach, suggest, or render obvious the subject matter of amended claim 14.

Claims 15 and 19 are allowable for the same reasons as claim 14 as well as on their own accord.

With regard to the rejections of claims 16 - 18, the Fixemer and Sakamoto et al. references do not cure the aforenoted deficiencies of the combination of Ueno, McCarty, and Monfarad. Thus, these claims are allowable for the same reasons as claim 14 as well as on their own accord.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicants' attorney at the telephone number listed below.

The instant amendment after final rejection should be entered since it does not raise any new issue which requires further consideration and/or search by the Examiner and since it does not raise any issue of new matter. Further, the amendment reduces the issues for appeal since it eliminates the 112, second paragraph rejection.

A one-month extension of time is enclosed. Please charge the extension of time fee in the amount of \$130.00 to Deposit Account No. 02-0184.

Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

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